



Florida Power & Light Company, P. O. Box 14000, Juno Beach, FL 33408-0420

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DOCKET NUMBER

PETITION RULE PRM 26-2
(64FR67202)

'00 FEB 23 P3:47

Ms. Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications Staff

Re: Florida Power & Light Company Comments
Petition for Rulemaking – Nuclear Plant Employee Fatigue
Docket PRM-26-2, 64 Fed. Reg. 67202 (Dec. 1, 1999)

Dear Ms. Vietti-Cook:

Florida Power & Light Company (FPL), the owner and operator of the St. Lucie Nuclear Plant, Units 1 and 2, and the Turkey Point Nuclear Plant, Units 3 and 4, hereby submits the following comments on the above-referenced petition for rulemaking. In summary, the petition does not present an adequate factual or legal basis that would justify the proposed rulemaking. Accordingly, the Nuclear Regulatory Commission (NRC) should deny the petition.

The petition requests NRC to adopt specific work hour limits to minimize personnel fatigue. The petition fails to adequately explain why presently existing requirements fail to address this issue. All nuclear power plant licenses contain Technical Specification (TS) requirements that limit the amount of overtime that can be worked by personnel assigned to safety-related duties. NRC has taken enforcement actions against licensees for violations of these overtime requirements. Further, all licensees have established programs consistent with the TS and with Generic Letter 82-12, "Nuclear Power Plant Staff Working Hours." Such requirements were adopted following the Three Mile Island accident to address concerns that fatigue may have been a contributor to the accident.

Above and beyond current overtime restrictions, data maintained by the NRC demonstrates that few significant industry events can be attributed to fatigue. In light of this data, there is no evidence that the additional administrative burden and personnel restrictions that would be required by the proposal would result in any enhancement in the protection of the public health and safety. Other than speculation concerning linkages between worker fatigue and plant safety, the petition provides no evidence in support of further rulemaking in this area. In this connection, FPL questions whether the proposal would survive the cost-benefit scrutiny required by the backfit rule (10 CFR 50.109).

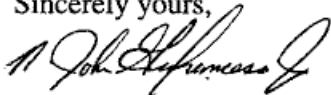
Further, all nuclear plant licensees are subject to the fitness for duty (FFD) requirements of 10 CFR Part 26. As required by Part 26, all supervisors and managers must continuously observe the behavior of the plant workforce for drug or alcohol abuse. The FFD requirements require employees who are not fit for duty to inform their supervisors

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and managers so that appropriate compensatory actions can be taken. Appropriate application of FFD requirements through behavioral observation has been demonstrated to detect degraded performance regardless of cause - fatigue, drugs, and alcohol. The petition provides no evidence to suggest that the Part 26 FFD requirements are inadequate to detect workers that are not fit for duty.

For these reasons, the Commission should deny the above-referenced petition for rulemaking in its entirety. We appreciate the opportunity to comment on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. John Gianfrancesco, Jr.", written in a cursive style.

R. John Gianfrancesco, Jr.

Manager

Administrative Support and Special Programs